



**United States Environmental Protection Agency**

**Region I**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

**MAR 3 1 2014**

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

[Final]

Mr. Michael Sakelakos, Regional General Manager  
Bodycote Thermal Processing  
284 Grove Street  
Worcester, MA 01605

**Re: NOTICE OF VIOLATION** of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the Commonwealth of Massachusetts Department of Environmental Protection Hazardous Waste Regulations (310 CMR 30.00 through 30.1103)

Dear Mr. Salelakos:

On September 18-19, 2013 the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at Bodycote Thermal Processing ("Bodycote" or the "Facility") in Worcester, Massachusetts. The purpose of this inspection was to determine the compliance of Bodycote (EPA ID No. MAD046130720) with the Commonwealth of Massachusetts Department of Environmental Protection ("MassDEP") Hazardous Waste Regulations (310 CMR 30.00 through 30.1103), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The Commonwealth of Massachusetts has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the MassDEP regulations and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

- 1. Failure to conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.351(10)(b), which references 310 CMR 30.302.**

Specifically, at the time of the inspection, the following containers of waste had not undergone timely and appropriate hazardous waste determinations:

- a. Main HWSA annexed to Building No. 1:

Part of the HWSA was divided into separate bays. One of the bays was designated for the storage of empty containers and transfer hoses. However, there were several commercial products, described by Facility representatives as old materials no longer needed at the Facility, that were pending hazardous waste determinations. The following containers were observed by EPA at the time of the inspection:



1. Two 1-gallon containers of "Zep-A-Lume" labeled "Highly Concentrated, Danger, Poison, contains hydrofluoric acid, sulfuric acid and phosphoric acid;"
2. Three 1-gallon containers of concentrate "Zep Formula 6556 Chemical Cleaner" labeled "Danger, Poison;"
3. Two 1-gallon containers of "706 Penetrating Oil" containing triethanolamine, diethanolamine and sodium nitrate;" and
4. One red, metal, open 5-gallon bucket filled with a variety of commercial chemical products and rags. One of the products had leaked into the bucket and fused some of the containers and rags together. EPA was able to extricate some of the containers to read their manufacturer labels. The following containers were in the 5-gallon bucket:
  - Gunk Lead Substitute (12 oz);
  - REMA Tip Top SC 2000 Black Cement (~12 oz);
  - Master Anti-sieze Lubricant (~12 oz.);
  - One 1-gallon open container of "Gardner Lap Cement, Liquid Roof Glue." (This was the material that had leaked into the 5-gallon bucket and fused together the other containers and rags therein); and

b. Located Near Exo-Belt Furnace of 280 Grove Street Building:

EPA observed a worker applying a "Stop-off"/masking paint labeled "Condursal 0090" supplied by the Duffy Company, Palatine, IL. The MSDS for this product indicates that it has a flash point of 68.9 degrees Fahrenheit. The worker was storing and cleaning his paint brushes, used in the application of this masking product, in open containers of mineral spirits while he was working. He indicated to EPA that, at the end of each day, he closes the containers of mineral spirits for use the next day and that he occasionally pours off the liquid into a reservoir for subsequent reuse. He related that he will clean these emptied containers with shop rags (contaminated with paint debris and mineral spirits) which are then thrown into a regular trash receptacle that is ultimately transferred to a Uni-bin located at the 284 Grove Street Facility.

2. **Failure to maintain an up-to-date written list containing the following information, a copy of which shall be prominently posted next to every telephone at the site of generation: the names and telephone numbers of the emergency coordinators, the locations of fire extinguishers, spill control material and (if applicable) fire alarms, the telephone number for the fire department, and evacuation routes, as required by 310 CMR 30.351(9)(c)(6)(a) through(d).**

Main HWSA annexed to Building No. 1:

There was an emergency posting stationed near an inventory of empty and full compressed gas cylinders. This posting listed the following emergency contacts:

1. Michael Sakelakos,
2. Guy Kemple;
3. Marc Bruyere;
4. Son Nguyen;
5. Paul Ricard (1<sup>st</sup> shift Supervisor);
6. James Donovan (2<sup>nd</sup> shift Supervisor); and
7. Steven Hooten (3<sup>rd</sup> shift Supervisor).



However, this list did not provide the contact information for the local fire department or the location of the spill response kit. Also, the list of emergency contacts only differentiated the cell and home telephone numbers for Mr. Bruyere and the home number for Mr. Nguyen. The other emergency contacts had posted telephone numbers but it was unclear whether these were cell, home or work phone numbers.

3. **Failure to ensure that satellite accumulation area (SAA) containers are stored at or near each specific point of generation, and that each SAA container remains under the control of the key staff individual directly responsible for the process resulting in the generation of such wastes, as required by 310 CMR 30.351(4)(a) and (b).**

Specifically, at the time of the inspection, EPA observed the following SAA container that was not at or near the point of generation, or under the control of the key staff individual responsible for the process that generated the waste:

Metallurgy Laboratory SAA located in 284 Grove Street Facility:

The Metallurgy Laboratory has an apparatus that cuts very thin slices of a product for microscopic QA/QC analysis. This unit is located on top of a laboratory bench and the cabinet below the unit contains a reservoir for the collection of spent coolant. According to a laboratory worker named Jon, the reservoir is regularly emptied into a 55-gallon metal drum located in a separate room across and down the hall from the laboratory, approximately 50 feet away. EPA inspectors observed this 55-gallon drum and noted that it was labeled "Hazardous Waste, Satellite, Waste water and oil." EPA inspectors explained that the SAA conditions of being at or near the point of generation and under the control of the operator of the process that generates the waste were not being met by this remote SAA.

4. **Failure to ensure that SAA containers of hazardous waste remain closed during storage, except when waste is being added or removed, as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.342(1)(c), which further references 310 CMR 30.685.**

Specifically, at the time of the inspection, EPA observed the following open SAA container:

SAA associated with furnace smoke quench oil scrubber ("Smoke Filter") in 284 Grove Street Facility: The SAA consisted of a yellow polyurethane 30-gallon drum posted with a hazardous waste label. The label was covered by gray-colored grime. The writing on the label, beneath the grime, was completely illegible. At the time of the inspection, the drum bung was open and a loosely fitted hose was fed into the drum opening;

5. **Failure to adequately document inspection logs corresponding to weekly inspections of areas where containers of hazardous waste are stored, with the name of the inspector(s), as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.342(1)(d)(3).**

EPA reviewed the weekly inspection logs for the HWSA. Logs are consistently done and generally adequately documented. However, some of the weekly inspection logs had check marks in the column reserved for the inspector's name or initials, whereas other



logs were annotated with the inspector initials. The regulations specifically require the identification of the inspector conducting weekly HWSA inspections.

6. **Failure to provide that the date when the accumulation period begins is clearly marked and labeled, in compliance with 310 CMR 30.341(2), on every tank and container in which hazardous waste is accumulated, as required by 310 CMR 30.351(5).**

Specifically, at the time of the inspection, EPA observed the following containers not clearly marked or labeled with the date accumulation began:

Metallurgy Laboratory SAA located in 284 Grove Street Facility:

The 55-gallon drum functioning as the SAA for this laboratory was labeled "Hazardous Waste, Satellite, Waste water and oil." At the time of EPA's inspection, this drum was full but the start accumulation date had not been added to the label.

7. **Failure to ensure the presence of a device, immediately available at all areas where hazardous waste is generated or accumulated, such as a telephone or a hand-held two-way radio, call box, or other instrument capable of summoning emergency assistance, as required by 310 CMR 30.351(9)(c)(2).**

Main HWSA annexed to Building No. 1:

The HWSA did not have a telephone. According to the Facility representatives accompanying the EPA inspectors, almost everyone from the Facility, with access to the HWSA, carries a cell phone. EPA inspectors indicated that the Facility place a telephone at the HWSA to ensure everyone has the immediate capability to initiate calls during emergencies involving hazardous wastes.

8. **Failure to ensure that each [SAA] container in which hazardous waste is being accumulated is clearly marked and labeled, throughout the period of accumulation, with the words "hazardous waste," the hazards waste(s) identified in words, and the type of hazard(s) associated with the waste(s), as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.341(2)(a), (b) and (c), respectively.**

Specifically, at the time of the inspection, EPA observed the following SAA container not clearly marked and labeled with the words "hazardous waste," the hazards waste(s) identified in words, and the type of hazard(s):

SAA associated with furnace smoke quench oil scrubber ("Smoke Filter") in 284 Grove Street Facility: The SAA consisted of a yellow polyurethane 30-gallon drum posted with a hazardous waste label. The label was covered by gray-colored grime. The writing on the label, beneath the grime, was completely illegible.

**Bodycote is hereby required to:**

**Immediately upon receipt of this NOTICE:**

1. Conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.351(10)(b), which references 310 CMR 30.302;



2. Maintain an up-to-date written list containing the following information, a copy of which shall be prominently posted next to every telephone at the site of generation: the names and telephone numbers of the emergency coordinators, the locations of fire extinguishers, spill control material and (if applicable) fire alarms, the telephone number for the fire department, and evacuation routes, as required by 310 CMR 30.351(9)(c)(6)(a) through(d);
3. Ensure that satellite accumulation area (SAA) containers are stored at or near each specific point of generation, and that each SAA container remains under the control of the key staff individual directly responsible for the process resulting in the generation of such wastes, as require by 310 CMR 30.351(4)(a) and (b);
4. Ensure that SAA containers of hazardous waste remain closed during storage, except when waste is being added or removed, as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.342(1)(c), which further references 310 CMR 30.685;
5. Adequately document inspection logs corresponding to weekly inspections of areas where containers of hazardous waste are stored, with the name of the inspector(s), as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.342(1)(d)(3);
6. Clearly mark and label the date when accumulation begins on a full SAA container of hazardous waste, as required by 310 CMR 30.351(5);
7. Ensure the presence of a device, immediately available at all areas were hazardous waste is generated or accumulated, such as a telephone or a hand-held two-way radio, call box, or other instrument capable of summoning emergency assistance, as required by 310 CMR 30.351(9)(c)(2); and
8. Ensure that each container in which hazardous waste is being accumulated is clearly marked and labeled, throughout the period of accumulation, with the words "hazardous waste," the hazards waste(s) identified in words, and the type of hazard(s) associated with the waste(s), as required by 310 CMR 30.351(4)(e), which references 310 CMR 30.341(2)(a), (b) and (c), respectively:

Bodycote must address the requirements set forth above and must immediately begin and continue to operate in compliance with all applicable Federal and State regulations.

**Within 30 days of receipt of this NOTICE:**

Bodycote is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations.

[Note: On November 7, 2013, U.S. Environmental Protection Agency received email correspondence from Mimoza Vrekaj (Bodycote Office Manager) transmitting Bodycote's October 8, 2013 response letter to EPA's September 2013 inspection out-brief findings. This response letter documents some actions taken to resolve several issues observed by EPA during the inspection. Specifically, this documentation describes corrective measures undertaken to correct items 1.a, 7 and 8, above. This correspondence can be incorporated as part of your response to this NOTICE.]

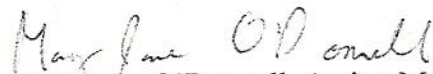
Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer  
US EPA Region 1 Office of Environmental Stewardship  
RCRA, EPCRA and Federal Programs Unit (OES05-1)  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this NOTICE may subject Bodycote to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann or my staff at (617) 918-1871.

Please note that this NOTICE is separate and distinct from the March 11, 2014 Request for Information issued pursuant to Section 114(a) (1) of the Clean Air Act and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act. This request was addressed to Guy Kemble, Plant Manager and a response to the March 11, 2014 Request for Information is expected within 30 days of receipt of that letter.

Sincerely,



Mary Jane O'Donnell, Acting Manager  
RCRA, EPCRA and Federal Programs Unit

cc: Guy Kemple, Bodycote Plant Manager  
Mimoza Vrekaj, Bodycote Office Manager  
John Kronopolus, MassDEP  
Susann D. Nachmann, EPA  
RCRA file